

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:

ROBERT WARREN EDWARDS
TRENA HARDISON EDWARDS

CASE NO19-00248-5-DMW

DEBTORS

CHAPTER 7

RESPONSE TO MOTION FOR RELIEF FROM THE STAY
APPLYING 11 U.S.C. §362(e)

NOW COMES, the undersigned Trustee, by and through undersigned counsel and hereby respond to the Motion for Relief from Stay Applying 11 U.S.C. §362(e) filed by Caliber Home Loans in this matter, and in support thereof show the Court as follows:

1. The allegations in paragraph 1 are admitted.
2. The allegations in paragraph 2 are admitted.
3. The allegations in paragraph 3 are admitted.
4. The Trustee is without sufficient information to admit or deny the allegations in paragraph 4 and therefore denies the same.
5. The allegations in paragraph 5 reference written documents that speak for themselves and are the best evidence of their own contents.
6. The allegations in paragraph 6 reference written documents that speak for themselves and are the best evidence of their own contents.
7. The Trustee is without sufficient information to admit or deny the allegations in paragraph 7.
8. The Trustee is without sufficient information to admit or deny the allegations in paragraph 8.
9. The Trustee is without sufficient information to admit or deny the allegations in paragraph 9 and therefore denies the same.
10. Trustee is without sufficient information to determine the specific payoff at this time.

11. The Trustee is not in a position to assign a specific value to the Property at this time; however, Trustee is investigating the value of the Property and potential sale options, because he believes there will be equity available to creditors upon sale.
12. The Trustee is without sufficient information to admit or deny the allegations in paragraph 12 and therefore denies the same.
13. The allegations in paragraph 13 are denied.
14. The allegations in paragraph 14 are denied.
15. The Trustee is without sufficient information to admit or deny the allegations in paragraph 15 and therefore denies the same.
16. The Trustee requests a hearing on the Motion.

WHEREFORE, the Trustee respectfully requests that the Court deny Caliber Home Loans the relief sought in its Motion, and that the Court conduct a hearing on the Motion.

Dated: 02/14/2020

s/John C. Bircher III
John C. Bircher III
State Bar No. 24119
WHITE & ALLEN, P.A.
PO Drawer U
New Bern, NC 28563
Telephone: (252) 638-5792
Facsimile: (252) 637-7548
Email: jbircher@whiteandallen.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he is over eighteen (18) years of age and the foregoing pleading was this day served upon the below named persons, parties and/or counsel by via CM/ECF or by mailing postage prepaid, first class mail, a copy of such instruments to such persons, parties and/or counsel at the address shown below or as indicated below:

Marjorie K. Lynch, Esquire
Bankruptcy Administrator
(via CM/ECF)

Joseph J. Vonnegut
Attorney for Caliber Home Loans
(via CM/ECF)

Robert & Trena Edwards
105 Barkside Lane
New Bern, NC 28562

Dated: February 14, 2020

/s/ John C. Bircher III
John C. Bircher III
State Bar No. 24119
WHITE & ALLEN, P.A.
1319 Commerce Drive
New Bern, NC 28562
Telephone: (252) 638-5792
Facsimile: (252) 637-7548
Email: jbircher@whiteandallen.com